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Executive Director

DECISION

IN THE MATTER OF

PAUL SHEEHY

W55638

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 8, 2014

DATE OF DECISION: December 12, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review in three years from the date of the hearing.

I. STATEMENT OF THE CASE

On September 24, 1987, Paul Sheehy was found guilty of first degree murder after a jury trial in Middlesex Superior Court and was sentenced to life in prison without the possibility of parole. On October 15, 1987, Sheehy pleaded guilty to attempted murder and was sentenced to a concurrent ten to twelve year sentence. On December 17, 1993, Sheehy was granted a new trial, but remained in custody to serve his concurrent sentence for attempted murder.¹ At the second trial, Sheehy pleaded guilty to second degree murder and was sentenced to life in prison with the possibility of parole in 15 years.

¹ The motion for a new trial was grounded on the fact that the alternate jurors for his trial were not kept separate from the other jury members during deliberations. This allowed motion was upheld by the Supreme Judicial Court. *Commonwealth v. Paul Sheehy*, 412 Mass. 235 (1992).

On July 13, 1986, at approximately 3:00 am, Paul Sheehy murdered an 18 year old girl² in Fort Hill Park in Lowell. Sheehy picked the girl up at about 2:30 am and drove her to a convenience store. Sheehy then drove her to the park where they had, or attempted to have, sex in the back of the car. At some point, Sheehy compressed the victim's neck to such a degree that she became unconscious. Sheehy then took the victim, dragged her out of the back of the car unconscious, and threw her to the ground, face-down in a small puddle of water. She was alive, but unconscious, when Sheehy put her in the puddle. When police arrived, the victim was found partially naked and lying face-down in the water. There were no witnesses to the event. The medical examiner determined that she died from asphyxia due to compression of her neck and drowning. She also had injuries to her face and neck.

Sheehy gave a statement to police in which he admitted that he was with the victim at the scene, that they had consensual sexual intercourse in his car during which the victim "passed out" due to intoxication, and that he responded by putting the victim on her back on the grass. He then drove home. He said he did not touch her neck. He told police that when he left the victim, he thought she was breathing and was "okay," so he did not seek help. However, forty-five minutes after he was last seen with the victim, Sheehy told a friend that he "killed somebody tonight" and showed him how he killed her.

II. PAROLE HEARING ON JULY 8, 2014

This is Paul Sheehy's fourth appearance before the Parole Board. The Parole Board denied parole in 2001 and 2006, with a five year review date set on both occasions. In 2011, he appeared before the Board and was denied with a three year review date. The Board noted that Sheehy had created a predicament for himself by his assertion that he did not have a sexual violence problem to address. The Board felt that that there was little support for that point of view, given the evidence and facts of the case. The Board also cited that, despite 13 years of good conduct, Sheehy's rehabilitative efforts (without sex offender treatment) were not sufficient to reduce the risk that he would pose to women in the community.

Sheehy was represented by Attorney Patricia Garin. In her opening statement, Attorney Garin outlined Sheehy's suitability for parole by stating that he has accepted full responsibility for his actions and understands the gravity of his actions. Sheehy gave a tearful opening statement that included an apology to the victim's family and friends. He also apologized to the victim of the attempted murder for hurting her and for taking away her sense of security.

Sheehy discussed his other criminal charges that occurred one week after the murder, on July 21, 1986, shortly after midnight. He led a 29-year old woman, who lived next door to him, into a secluded area. He was going to get a "joint" for her to smoke. While walking down the path, Sheehy pulled a belt out of his pocket and began to strangle her. He knocked her to the ground, got on top of her, and continued to strangle her. The victim could taste blood in her mouth and urinated in her pants. She struggled with Sheehy, eventually broke free, and was able to run to safety. Police observed visible injuries to her neck. This incident led to his guilty plea for attempted murder. Additionally, Sheehy was in default on an indecent assault and battery charge at the time of the murder. That case resulted from an incident in which he "slapped a woman on the back side," but this case was dismissed in 1986.

² Pursuant to G.L. c. 265, sec. 24C, the victim's name has been withheld.

Sheehy has had an overall moderate adjustment to incarceration. He is not a management concern and has received only seven disciplinary reports while incarcerated. Sheehy discussed his program participation with Board Members. Since 2011, he has attended 12 Steps, Big Book, Restorative Justice and religious services. His main focus now at the Massachusetts Treatment Center is completing the Sex Offender Treatment Program (SOTP), after completing the first three phases at MCI-Norfolk. He currently attends AA / NA meetings and has previously completed the Correctional Recovery Academy (CRA), Violence Reduction, Anger Management, Men's Recovery and Alternatives to Violence. He stated that he earned his General Equivalency Diploma and received certifications in ServSafe and Heating, Ventilation, and Air Conditioning. Sheehy also testified as to the importance of his religion. Sheehy stated he lives by the tenants of his religion and he intends to continue to be vigilant and devoted to Judaism.

Sheehy described his childhood struggles with emotional abandonment and resentment, after his mother failed to protect him from abuse in the household and his sister was sent to live with an aunt. Sheehy said the unresolved family trauma led him to engage in behaviors that were violent and abusive towards women and that continued into adulthood. He said that at the time of offending, he was an alcoholic and a drug addict who was spiraling out of control. Sheehy explained that drinking and drug use became "a way of life" for him, and at the time of the murder, Sheehy said, "I was absolutely out of control" and I knew it was "a matter of time before I hurt someone."

When asked if the offenses were sexually motivated, Sheehy indicated that the first crime was motivated by anger with an underlying sexual dynamic present, while the second offense was motivated by drugs, anger, and violence. Sheehy explained that he used sex as a coping mechanism to deal with the emotional stress and turmoil going on in his life.

At the hearing, Sheehy admitted that he lied at trial when he said that the victim "passed out" during intercourse. He said she became unconscious because he "grabbed her by the neck and choked her."

When asked why it took so long for him to see, recognize, and accept that there were sexual issues with his criminal conduct, Sheehy said that he was in denial and resisted because he was still trying to get through the "loop holes." He said it finally sank in after he got into therapy. Sheehy further acknowledged that he needs a deeper understanding of his offenses and acknowledged that there are other areas that he needs to explore. Those areas include: sex as a coping mechanism to deal with emotional turmoil in his life, the use of drugs and alcohol in his sexually offending behavior, unresolved issues of resentment and anger, feelings of self-worth, issues with self-esteem, and the role these issues played in the offenses.

Sheehy seeks a parole to Opening Heavens Doors Ministries upon completion of the Sex Offender Treatment Program. He has been in contact with Forensic Associates and intends to continue his one-on-one counseling with Dr. Botman, a psychotherapist in Cambridge. He will continue to engage in Alcoholics Anonymous and has already sought out a sponsor; it is his intention to do 90 meetings in 90 days with the help and guidance of his sponsor. He has received offers of employment from three separate sources and feels confident that

employment will not be an issue for him. Sheehy has a positive support network in the community and has spiritual support through his religious affiliations.


Sheehy had many people from the community and from his family attend the hearing. Sheehy's supporters testified that they will assist with all his re-entry needs. Five people spoke in support of parole, including Mr. Sheehy's wife and a rabbi. Middlesex County Assistant District Attorney Patrick Fitzgerald and two members of the victim's family spoke in opposition to parole. ADA Fitzgerald emphasized specific concern regarding the pattern and brutal nature of his offenses and felt that he is not rehabilitated.

III. DECISION

Paul Sheehy's offenses were committed against women; the crimes were brutal and aggressive and involved the enticement of his victims prior to the assaults. Sheehy continued to exhibit an ongoing pattern of anger and hostility during his first 12 years in prison. He acknowledged that his conduct improved when he stopped minimizing, rationalizing, and justifying his behavior and started taking responsibility for his actions. Although Sheehy has been program involved, he only recently enrolled in the Sex Offender Treatment Program at the Massachusetts Treatment Center in Bridgewater. His level of rehabilitation is insufficient in comparison to his needs. The Parole Board encouraged Sheehy to engage in programming to gain insight into the nature of, and reasons for, his offense.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." Applying that appropriately high standard here, the Board finds that Mr. Sheehy is not a suitable candidate for parole because he is not rehabilitated. The period of review will be three years, during which time Mr. Sheehy should complete the Sex Offender Treatment Program and address issues of honesty, remorse, and victim empathy.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. Pursuant to G.L. c. 127, § 130, I further certify that all voting Board Members have reviewed the applicant's entire criminal record. This signature does not indicate authorship of the decision.


Janis DiLoreto Smith, Executive Director

12/12/14
Date